

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, MARCH 26, 2007

3:04 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:02 P.M., in the J. Martin Griesel Room, Centennial Plaza II, with members Senhauser, Spraul-Schmidt, Kreider, Chatterjee, Wallace, Raser and Sullebarger.

CERTIFICATE OF APPROPRIATENESS, 812 DAYTON STREET, DAYTON STREET HISTORIC DISTRICT

Staff member Adrienne Cowden presented a staff report on a request to exhibit an historic sign at 812 Dayton Street. She stated that the property, which includes the Italianate Renaissance Skaats-Hauck House and a two-story brick carriage house, is operated by Historic Southwest Ohio (HSO) as an educational museum. Cincinnati Preservation Association (CPA) currently owns the sign and will transfer title to HSO when the restoration and installation are completed.

Ms. Cowden explained that the artifact under consideration is a zinc eagle that was once mounted on the Eagle Tannery (later Haffner Tannery) in Camp Washington. The tannery was demolished in the 1960s to make way for the construction of I-75. Prior to the plant's demolition, the Haffner family removed the eagle and relocated it to the private home of Mrs. James Headley in Indian Hill. In 1981 the Headleys donated the eagle to the Miami Purchase Association, which later split into CPA and HSO. When the Headleys moved from Indian Hill in the 1980s they asked Cornelius and Janet Hauck to give the eagle a temporary home until a public site where it could be displayed was identified. The artifact had been in the Hauck's yard for over two decades and is now in storage.

Ms. Cowden listed some of the organizations and businesses contacted by CPA to house the sign. The Cincinnati/Northern Kentucky International Airport and Delta were interested but unwilling to discuss accepting the eagle until Delta was out of bankruptcy. None other was willing to accept it. In order to save the artifact, the John Hauck Foundation offered to finance the \$30,000 restoration and installation if it could be displayed at 812 Dayton Street. The Boards of CPA and HSO have voted to accept this offer.

Staff believes that the eagle may indeed have value as an historic artifact and efforts to preserve it are laudable. However, the eagle was originally designed for an industrial tannery that has no association with the Skaats-Hauck property or families. Installing an architectural artifact of this size and scale on a residential carriage house is not appropriate and does not meet the conservation guidelines. She indicated that although staff would typically be open to considering the installation as a temporary exhibit, much like a painting in a museum, staff was concerned that it would ultimately become a permanent one. To date, HSO had not committed to removing the artifact by a specific date or continuing CPA's efforts to find a different home.

Ms. Cowden confirmed for Mr. Raser that West End neighborhood organizations had been notified. She stated that Linda Peterson, secretary of the West End Community Council, had attended the pre-hearing, but Ms. Peterson did not indicate if the community council had taken any formal action regarding the application. The Dayton Street Neighborhood Association did not respond.

Kendall Fischer, Executive Director of CPA, stated that her organization had worked diligently to find a new "nest" for the eagle. She acknowledged that the installation of the artifact was not an appropriate permanent addition to the carriage house but that the proposed exhibition represented the best temporary solution available. Ms. Fischer indicated that HSO should be able to identify a location for the permanent installation of the eagle within a five-year timeframe. She stated that the

restoration of the eagle would improve its appeal for future display locations. Ms. Fischer urged the Board to approve the Certificate of Appropriateness.

Ms. Sullebarger commented that the CPA had apparently spent a great deal of time and effort to find a display location for the eagle. She asked if CPA had considered or contacted the Museum Center. Ms. Fischer stated that the Museum Center was one of many places contacted, but it had no space or endowment to restore/display the eagle. She expressed her belief that the John Hauck Foundation offered the best combination of time and money.

Mr. Raser stated that the wind force on the eagle's wings should be considered when investigating installation methods. Mr. Raser and Ms. Wallace asked if the eagle could be displayed on a pedestal or directly on the ground in the courtyard. Ted Gantz, who would be restoring the eagle, stated it was very fragile and would likely be damaged if pulled at or climbed upon. Were this not the case, the Parks & Recreation Departments would have been interested in it. He pointed out that the eagle was intended to be seen from below and lacked claws. In response to Ms. Spraul-Schmidt, he stated that the outdoor display of the eagle would not cause excessive deterioration. In answer to Mr. Raser, Mr. Gantz stated that the backyard of the Skaats-Hauck House was fenced it was still accessible; the eagle would not be safe from vandalism in this location. Mr. Gantz stated that the eagle would be set back 2'-0" to 3'-0" from the roof edge and this location would lend the impression that the eagle is taking off from the building.

Mayor Mark Mallory stated that he was a lifetime resident of the West End and had visited the Skaats-Hauck House on numerous occasions. He expressed his concern for the museum's continued viability and supported an exhibition that would attract new visitors. He urged the Board members to allow the eagle to be displayed at the museum.

Richard Wendel, HSO Board Member, stated that his Board was in favor of displaying the eagle artifact at the Skaats-Hauck House. He described the courtyard space for Ms. Wallace. He indicated that it had a very tight layout and lacked sufficient space to display the eagle on a pedestal.

In response to an inquiry from Ms. Wallace, Ms. Cowden responded that the installation would include a plaque describing the history of the eagle and its place in the larger context of the City's industrial heritage. Ms. Fischer acknowledged that the text had not been written yet. Ms. Spraul-Schmidt suggested the text include a statement that the Eagle Tannery was part of major post-Civil-War industrial boom.

Dave Peterson, West End resident, stated that he lives next door to Skaats-Hauck House. He agreed with Mr. Wendel that the courtyard does not have the room or security for a ground level display. He explained that the West End Community Council had not discussed the proposal and therefore had not provided a formal response. He stated that he did not have any objection to the installation and display of the eagle on the carriage house for five years.

Board members inquired about the origin of the five year timeline for the installation and exhibition of the eagle. Ms. Cowden stated that she and Ms. Fischer discussed what would be a reasonable amount of time to identify a permanent home and agreed that five years was more than sufficient. Ms. Cowden reminded the Board that HSO has not committed to removing the eagle after any specific period of time.

Ms. Sullebarger inquired about the extent of the Board's review authority. Staff confirmed that the eagle is not a designated local landmark so the Board has no jurisdiction over its restoration. The Board's authority is limited to the installation of the artifact on the Skaats-Hauck House and whether or not the work complies with the Dayton Street Protection Area conservation guidelines.

Mr. Senhauser commented that if the Board chose to impose a time limit on the COA, the installation would become a zoning violation and subject to enforcement if it was not removed by a specified end date. The Board could consider an extension, if requested.

Sybil Ortego, West End resident, expressed her support of the installation. She felt the eagle would be a great draw for the museum and considered a five-year exhibition period to be acceptable.

Janet Hauck, longtime volunteer and manager of the Skaats-Hauck House, acknowledged that the display was her idea. She indicated that eagles were common symbols in the 19th century and it would provide the museum with varied opportunities to describe local, state and national industrial trends and symbols. She believed Mr. Gantz would do an exceptional job restoring the eagle and encouraged the Board members to support its display at the Skaats-Hauck House.

Ms. Sullebarger stated that she appreciated Ms. Hauck's offer to restore the eagle and display it at the museum. She asked Ms. Hauck if she felt the eagle would be secure on the carriage house roof and inquired if she had considered a security system. Ms. Hauck answered that she felt the carriage house was secure but may investigate additional lighting or other measures.

Ms. Sullebarger stated that in light of the testimony given at the meeting, and acknowledging that although the particular installation was not ideal, it was the best solution available. She suggested the Board approve the Certificate of Appropriateness without a time limit since it seemed unrealistic that another site could be located in the next few years.

Mr. Kreider stated that the Board had expressed misgivings about the proposal and that he felt the staff recommendation to deny the installation was appropriate. He stated that if the eagle was installed on the building, a Certificate of Appropriateness would not be needed for its removal at a later date.

Mr. Chatterjee suggested approving a Certificate of Appropriateness for a period of five years with a review by the Board at the end of the term. Mr. Raser concurred, stating that the time limit made the inappropriate installation more acceptable. Mr. Kreider agreed.

BOARD ACTION

The Board voted unanimously (motion by Chatterjee, second by Raser) to approve a Certificate of Appropriateness for the installation of the zinc eagle as shown in the attached drawings as part of an exhibit for the Skaats-Hauck House at 812 Dayton Street for a time period of five years. The five-year time period would start from the date of installation.

CERTIFICATE OF APPROPRIATENESS, HILLSIDE REVIEW & ZONING VARIANCES, 1833 KEYS CRESCENT, EAST WALNUT HILLS HISTORIC DISTRICT

Staff member Caroline Kellam presented a staff report on the construction of a rear addition with attached garage and the installation of a driveway and retaining wall at the rear of 1833 Keys Crescent. She presented additional photographs of the property to the Board members. She stated that the property had been reviewed in the past for a similar project that was not built. She described the proposal and stated that the existing retaining wall would be removed and rebuilt. She stated that some of the new construction would be to zero lot lines, which had concerned some of the adjoining property owners. Two of the property owners reviewed the plans with staff prior to this meeting.

Mr. Raser question suggested that the addition could be moved farther from the rear property line if the paved area were reduced. Ms. Kellam responded that the larger dimension is required to permit vehicles sufficient space to turn around and avoid having to back out of their driveway. Mr. Raser stated that a majority of people in America have to back out of their driveways.

In response to Ms. Sullebarger, Ms. Kellam stated that the previous underground garage approved by the Board was abandoned due to the necessity of blasting as well as cost.

Matt Evans, project architect clarified that the garage door would be a custom design of a carriage type style. He stated that the driveway would be dropped two feet in elevation and front retaining walls would be rebuilt with original and similar off-site stones. He described the gate structure and stated that it would be moved from the back to the front of the lot. He stated that backing through the gate would be difficult. He gave a brief overview of the project and stated that the owner had talked with the neighbors and worked out some issues.

Martin Rahe, property owner and CPA member, apologized for the short notice given to his neighbors and stated that he met with the Lukes and the Dearths the previous weekend and reviewed the project and issues. He described the landscaping changes that were made between his property and the Dearths. He said that he offered to install a fence between his property and the Lukes to improve the sight lines. In response to Ms. Sullebarger's question, he stated that a portion of the fence was requested due to past issues with crime in the area.

Ken Segal, representing the East Walnut Hills Community Council, stated that they were in favor of the project. He stated that he supported allowing turn around space for the driveway to permit safer exit to the street.

Robert Dearth, 1834 Keys Crescent, property to the south of Mr. Rahe's property. He stated that he felt that the issues would not be contentious and that they would reach an agreement. He said that he would like to express, on the record, how upset and disappointed he was to receive such short notice of the project. He stated that he felt the project was new living quarters as opposed to a family room as it is called on the staff report. He said zero set back is not acceptable and not in keeping with the Zoning Code. He presented photographs to the Board members. He stated that he and Mr. Rahe agreed to a 15 inch set-back from the fence with landscaping. He explained that there are two surveying pins for the same property line and therefore they used the fence for reference. He stated that they would confirm their agreement in writing.

Dr. Robert Luke, 1831 Keys Crescent, property to the west of Mr. Rahe's property, stated that he did not want a building on the lot line. He stated that he and Mr. Rahe agreed that a fence would be installed on his property and any damage done during construction would be repaired. He also stated that he did not want construction work being done on the weekends.

Mr. Kreider applauded the neighbors for working together to reach a compromise. He stated that inches were critical and suggested tabling the matter. He also complimented the three property owners on the work they had done on their properties in the past.

Mr. Senhauser stated that the agreements would be reviewed by staff and that he would rather not delay the project. He added that legally Mr. Rahe would have to erect the fence on his side of the lot.

BOARD ACTION

The Board voted unanimously (motion by Sullebarger second by Spraul-Schmidt) to take the following actions:

1. Grant the following zoning variances per Chapter 1421-27 of the Cincinnati Zoning Code to permit:
 - A. Zero side yard setback on the west property line with the installation of new fencing and landscaping as agreed to by adjacent property owner and as represented at the March 26, 2007 HCB hearing
 - B. 23" rear yard setback on south property line with landscaping as agreed to by adjacent property owner (as shown on Sheet AS) and as represented at the March 26, 2007 HCB hearing

C. The height of the retaining wall to be 9.25'

Finding that such relief from the literal implication of the Zoning Code:

- a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - b. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located.
2. Approve a Certificate of Appropriateness for the construction of the family room, 3-car garage and the new driveway and retaining walls with the following conditions:
- A. That the new retaining walls be face with salvaged stone and if necessary some new stone to match.
 - B. Any revisions and final plans be reviewed and approved by the Urban Conservator prior to issuing a Certificate of Appropriateness and a building permit.

Ms. Sullebarger left the meeting at 4:58 p.m.

**CERTIFICATE OF APPROPRIATENESS, HILLSIDE REVIEW & ZONING VARIANCES,
1873 KEYS CRESCENT, EAST WALNUT HILLS HISTORIC DISTRICT**

Staff member Caroline Kellam presented a staff report on the installation of a 6' black chain link fence, a 6' black wrought iron fence with a new gate, excavation and enlargement of a driveway, construction of a 19' high retaining wall and construction of a new terrace and garden. She stated that zoning variances would be needed for the height of the fencing in a front yard and retaining wall in the hillside district. She explained that although chain link fencing is not characteristic of the district, the guidelines do not prohibit this type of fencing and the location is such that it would not be visible from the right-of-way. The carriage house and the owner's house were originally on one lot facing Madison Road and although the wrought iron fencing is technically in the front yard, it originally was the side yard and visually still to be a side yard. The proposed fencing does not obstruct any views and the height of the retaining wall is necessary to retain the hillside.

In response to Ms. Wallace, Ms. Kellam stated that Doug Davis represented the East Walnut Hills Assembly at the pre-hearing meeting. Mr. Davis reviewed the plans and did not have any objections to the proposal.

Mr. Senhauser questioned the need for the large driveway area adjacent to the house, atop the new retaining wall. Steven Smith, the project landscape architect, described the driveway dimensions. He stated that the pavement area was needed to provide adequate turn-around space for vehicles as well as outdoor parking spaces. Mr. Smith added that the space is needed because the owner has a large number of frequent guests and owns a collection of cars. He stated that the parking area and retaining wall would not be visible to neighbors.

Mr. Raser agreed that there was a great deal of pavement, which was more characteristic of a suburban residence. He felt that the driveway portion of the project would have little or no effect on neighboring properties or the community. He added that the retaining wall was 19' high at its highest point and then quickly tapers down.

BOARD ACTION

The Board voted unanimously (motion by Chatterjee second by Kreider) to take the following actions:

1. Find that although the fence is technically in the front yard, the west property line was originally a side yard before the property was subdivided and still appears to be a side yard.

2. Grant the following zoning variances for the height of the fence as per Chapter 1421-33 (b) and for the height of the retaining wall as per Chapter 1433-19 (d) of the Cincinnati Zoning Code for 1873 Keys Crescent finding that such relief from the literal implication of the Zoning Code:
 - a. Is necessary and appropriate in the interest of historic conservation so as not to adversely affect the historic architectural or aesthetic integrity of the district; and
 - b. Will not be materially detrimental to the public health, safety, and welfare or injurious to the property in the district or vicinity where the property is located.
3. Approve a Certificate of Appropriateness for the construction of a 6' high black chain link fence, Allan Block retaining wall, new terrace, garden and expansion of the driveway on 1873 Keys Crescent with the condition that any revisions and final plans be reviewed and approved by the Urban Conservator prior to issuing a Certificate of Appropriateness and a building permit.

ADJOURN

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date: _____